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# The C A S E of

Lieutenant Colonel JOHN CAULFEILD, and the rest of the Officers of the Regiment of Foot, late under the Command of Colonel ROBERT WHYTE,

Humbly submitted to the Honourable the Commons Assembled in Parliament.

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REPRESENTS,

I. THAT the Siege of London-Derry being raised, Major-General Kirk (at the Court-Martial held the 7th of August, 1689.) broke several Regiments of the Garrison, and compleated the Regiment, above-mentioned, 13 Companies, according to the Numbers then on the Establishment (which was agreeable to His Majesty's Warrant of the 16th of September following.) The Major General being then Chief Commander of His Majesty's Forces in Ireland, gave the Officers New Commissions, and commanded the Regiment to the Frontier Garrison of Inniskilling, where they served several Months before an Establishment was made for them: (The Establishment for the Army of Ireland not commencing till the first of January, 1689.) In which Interval the Officers have been allow'd no Pay, being 147 Days.

II. That an Establishment was not made for the Regiment from the Day they were new Commission'd and Compleated, as above, is presum'd did not proceed from any Fault in the Regiment; neither did the want of an Establishment make their Service less valuable, or the Officers less careful in the Discharge of their Duty. And believing that an Account stated for that Service might be sufficient to supply the want of an Establishment (as it has done with the 15 Companies that Major General Kirk added to the Three Old Regiments at their Landing near London-Derry, in order to raise that Siege, who have been long since clear'd off for the time they served) Application was made for a stated Account, for the said 147 Days before the Establishment. Upon this Application, the Lords of the Treasury, by their Letters to the Lords Justices of Ireland in September, 1691. desired that the said Account should be stated and transmitted to them, with their Lordships Opinion thereupon: The Accounts were accordingly stated, by Commissioners appointed in Ireland for stating the Accounts of the Army after the Reduction of that Kingdom, and the same were transmitted by the Lords Justices to the Lords of the Treasury, with their Opinion thereupon, and desiring their Lordships to lay the same before His Majesty, for His Majesty's Pleasure to be known therein; but the Officers believing it then an improper Time to move farther in this Affair, being sensible of the great Charge the Nation was at, deferr'd laying the same before his Majesty, during the War.

III. THAT this Case being laid before His Majesty in June, 1700. His Majesty was so well satisfied with the Justice of it, That he was graciously pleased to direct that his Pay-Master General should lay a State of the said Account before the late Commissioners, appointed by an Act of Parliament for taking and examining the Debts due to the Army, &c. But the said Commissioners being limited by the Act aforesaid to be govern'd only by Establishment then made, could take no notice of the said Account, nor certifie for the Balance due on the same, without a further Power than was granted by the said Act.

*It is farther Humbly Represented,*

IV. That this Regiment (by Commissions from His Majesty then Prince of Orange) was Raised and Arm'd before the 13th of February, 1688. without putting his Majesty, or the Nation, to any Charge, and faithfully served the Present Government in the Defence of the City of London-Derry, during its long and miserable Siege. That the Officers being hitherto allow'd no Pay for the Service of the Siege, nor for the 147 Days after it (from the Dates of their New Commissions, to the Date of the Establishment) together with the great Expence they were at in Raising, Arming, Equipping, Recruiting, and often Subsisting their Men (having in that dangerous Conjunction had more regard to the Publick Good than their Private Interests) has to this day so much funk their Fortunes, that in all Probability their Families will be ruin'd, if not relieved on their Petition to this Honourable House. And by the Misfortune of being broke in the War, the Officers have not had the Benefit of Half Pay, as has been given to the Officers of all Regiments that have been broke since that time, which makes their Case singular, and (they presume) the more worthy of Consideration.

*With Submission, it is presum'd, that it never was intended by his Majesty, or by the great Council of the Nation, that the Want of an Establishment should deprive Men of their Pay, for which they served by Commission in Time of War; which, together with the Motives above-mentioned, is humbly submitted to the Consideration of this Honourable Assembly: And we do hope that the Justice of our Cause will induce you to grant the Prayer of our said Petition; which is, that the Commissioners to be appointed for taking the Accounts of the Army, &c. may be empower'd to Certifie as well for the Balance due on the 147 Days (from the Dates of our Commissions from Major General Kirk, to the Date of the Establishment) as for the Balance after the Establishment, the one being as deservedly due as the other.*